1900-010 Chancery Causes: James A. Baumgardner vs. W. P. Wood &c
Lee Co.

Daugherty, Russell

CA-Debt
T-Property

-Deed

A. M. GOINS,
Attorney at Law,
&
Com. Atty. for Lee County.

To the Hon. W.T.Miller, Judge of the Circuit Court for Lee County, Va.

Humbly complaining, your orator, James A.Baumgardner, would respectfully represent and show unto your Honor, that on or about the 1st day of Feb., 1893, he sold and conveyed unto W.P.Wood, in consideration of the sum of $1500.00, a certain tract or parcel of land, containing 186 acres more or less, lying and being in Lee County, Va., near Pridemore post-office, being lot No.6, assigned to your orator in the partition of the real estate of his father, Andrew Baumgardner, dec'd, and for a more particular description of which reference is here made to the deed from your orator and wife to said W.P.Wood, bearing date Feb. 1st, 1893, a copy of which is herewith filed marked "D", and prayed to be considered as part of this bill; that said W.P.Wood, at or about the time he purchased said land from your orator, made, executed and delivered to him three notes or bonds in the sum of $500.00 each, the purchase price of said land. One of said notes or bonds your orator acknowledges has been fully paid to him, but the other two are still unpaid, and are described as follows: One note or bond executed Jan. __,1893, for the sum of $500.00, payable by the 1st day of March, 1895, with interest at 6% from the 1st day of March, 1893; the other note or bond is dated Feb. 1st, 1893, payable by the 1st day of March, 1893, for the sum of $500.00, and which said note or bond is signed by W.P.Wood and Jeremiah Daugherty. Said last two notes or bonds are here filed marked "A" and "B", respectively, and prayed to be considered as part of this bill.

Your orator states that, at the time he sold said land to said W.P.Wood, he made, executed and delivered to him a deed thereto, reserving therein a vendor's lien to secure the payments of the unpaid purchase money as aforesaid.

Your orator is informed and alleges that after the purchase of said tract of land from him by the said W.P.Wood, he, the said W.P. Wood, contracted and sold, and bound himself to convey the same, with good and sufficient title, to one A.J.Baumgardner, who is now in the possession of said land,for the sum of $1500.00.

Your orator states that on the first of the two unpaid purchase money notes or bonds, as above described, there has been paid the following sums, as will be seen by endorsements thereon: Aug. 6,1894, $151.15; Aug. 30, 1894, $272.95; and Oct. 16, 1894, $75.00. On the second of said notes or bonds there has been paid the following sums: Sept. 26, 1893, $105.00; Sept. 26, 1893, $10.00; Nov. 21, 1893, $63.00; Nov. 22, 1893, $9.95; and April 17, 1894, $6.18. And your orator avers

A. M. GOINS,
Attorney at Law,
&
Com. Atty. for Lee County.

and alleges that the residue due on said last two notes is still unpaid and owing to him, together with interest from date they became payable.

Your orator is advised that the lien retained by him in the deed aforesaid can be enforced only in a court of equity, and that your honor will take cognizance of his cause.

The prayer of your orator therefore is, that W.P.Wood, Jeremiah Daugherty and A.J.Baumgardner be made parties defendants to this bill; that they be required to answer its several allegations, but they need not do so on oath; that a decree be entered giving your orator a judgment for his money, with interest thereon from the date it became due; that a commissioner be appointed, whose duty it shall be to sell said land, or so much thereof as may be necessary, to pay your orator's debt, together with the interest due thereon, and the cost of this suit, if the same be not paid within a reasonable time after the rendition of the judgement above prayed for; and for all such other, further and general relief as in the premises may be just and right may be granted. And your orator will ever pray, &c.

A. M. Goins,
p.q.

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Pltffs Costs
C 6.29
Tax 1.50
Shff 2.00
Atty 15.00
Estimated 5.00
$29.79

Feby 8

James A. Bannigardner

vs. } Bill In Chy.

W. P. Wood et al.

A. M. Gonas, p. q.

1897 2nd Feby rules Sums & ~~Decree~~ Issue
" 1st March rules taken the last monday in Feby D. & Confd & Cause set for hearing.

Pltffs Costs
C 6.29
Tax 1.50 paid
Shff 2.00
Atty 15.00
Estimated 5.00
$29.79

To the Hon. W. P. Miller, Judge of the 1st. Court of Du Leo.:-

Your petitioner Geo. W. Russell, assignee of W. P. Wood, for the benefit of the Pennington Bros Bank, respectfully represents & shows unto your honor that on the 9th day of March, 1896, in the Circuit Court of the County of Du that he recovered a judgement for $271.47 with Int. from the 27th day of July 1892 & $8.68 for cost, which has not been paid; and that one James A. Baumgardner has instituted his suit in this court to enforce a vendors lien which he holds against the real estate of of A. J. Baumgardner,

Now your petitioner in said suit, is advised that the judgement which he holds is a lien upon the said property of A. J. Baumgardner, and constitutes an encumbrance thereon, & is advised that if the land is sold under the proper of the said J. A. Baumgardner with uncertain demands against it, it may be greatly sacrificed, and prays that the cause be referred to a commissioner for the purpose of ascertaining all the liens and acclaimant of all encumbrances & clearing up the title. And may he have such other relief as will be equitable & he will ever pray &c.

Pennington Bros for Russell.

James A Bumgardner

vs. } Petition of

Geo. N. Rusner &c.

W. F. Moody et al

To the Hon. W. T. Miller, Judge of the Circuit Court for the County of Lee:-

Your petitioner, Mrs. R. J. Wood, would respectfully represent and show unto your honor, that A. M. Goins, Commissioner in the Chancery cause of James. A. Bumgardner vs. W. P. Wood, et al, ~~thexxx~~ on the 17th day of may made sale of the land of A. J. Bumgarder at the price of $507.18, which has been duly reported to your honor in said cause by the said Goins, by report filed in the said cause on the 19th day of May, 1897, as the bid of James. A. ~~M.~~ Bumgarder. Your petitioner, will represent and show that she has a lien upon the said property, second to the lien of the purchaser J. A. Bumgardner for the sum of $221.47, with interest thereon from the 22nd day of Jan. 1892, and $8.68, for cost, as will appear by the decree rendered in the said cause on the 8th day of March, 1897. Your ~~xxxxx~~ petitioner will furthur represent and show unto your honor that on the day the sale was advertised to take place your petitioner sent her agant and husband W. P. Wood to bid on the said land, but the sale was made so much sooner in the day than was expected, your petitioner's said agent was not up on the grounds untill after the sale had taken place, and he had no opportunity of making the said land bring your petitioner's debt,; therefore your petitioner prays that the said sale be set aside and a new sale awarded, and your petitioner binds herself, and promises to make the said land bring as much as $650.00, and here files her b ond with J. E. Graham as her surety, as evidence of her good faith, and asks that the Commissioner be directed upon the reopening of the biddings to start the land at $650.00 as her bid. And she will ever pray &c.

Mrs R. J. Wood

By Pennington Bros Attys

Filed
Nov 3 1897
J. P. Wells
Clerk

A. J. Baumgardner.

$650.00

Known all men by these presents that we, R.J. Wood and J.E. Graham are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Six Hundred and Fifty Dollars, for the payment of which we each hereby bind oursels jointly and severally, and as to the payment of this obligation, we each hereby waive the benefit of the homestead exeamtions. Witness our hands and seals this the 1st day of June, 1897.

The condition of the above obligation is such that whereas the above bound R.J. Wood desires to put in an upset bid in a certain sale made of certain lands in the Chancery Cause of J.A. Bumgardner vs W.P. Wood et al, pending in the circuit court for Lee County, which sale was made on the 17th day of May, 1897, and bid off at the price of $507.18 by James A. Bumgardner; and should the said court upon the faith of the foregoing bond reopen the biddings upon the said lands so sold, and order a new sale, and the said R.J. Wood shall make the said land bring at said sale the sum of $650.00, then this bond shall be void, otherewise remain in full force and virtue.

R. J. Wood Seal.

J. E. Graham Seal.

James A.Baumgardner)
vs.) IN CHANCERY.
W.P.Wood et al.)

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This cause came on again this day to be heard upon the papers formerly read therein and the report of A.M.Goins, who, on a former day of this term, was appointed a special commissioner for the purpose of making and executing to R.J.Wood a deed to the land and premises purchased by ~~him~~ her in this cause, and was argued by counsel. On consideration of all which, and for reasons appearing to the court, and there being filed with said report a deed made and executed by said commissioner Goins, to R.J.Wood, with covenants of special warranty, to the lands and premises purchased by her as aforesaid, and there being no exceptions to said report and deed, the same are hereby confirmed.

It is further decreed by the court that the said R.J.Wood, purchaser, shall pay to commissioner Goins the sum of $5.00, for making and executing to her the deed in this cause, and also the sum of $1.00....., the amount expended by him in stamping said deed as required by law, and if said two sums be not paid to said commissioner Goins within 30 days from the rising of this court, then execution may issue.

And this cause is stricken from the docket.

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James A.Baumgardner)
vs) IN CHY.
W.P.Wood et al.)

DECREE FINAL.

Entered on Chy. OB. No 6. P. 442

Enter this decree--

This Nov. 7, 1900

T. H. W. B/am

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James A. Baumgardner)
vs.) IN CHANCERY.
W.P.Wood et al.)

This cause came on again this day to be heard upon the papers formerly read therein and the report of A.M.Goins, special commissioner, filed. Oct. 3rd, 1900, and was argued by counsel. On consideration of all which, and it appearing from said report that the whole of the purchase money notes held by the said commissioner Goins, as the deferred payments of the purchase price of the land and premises in the bill and proceedings mentioned, and as fully described in report of sale filed in the papers of this cause Oct. 7th, 1897, has been paid, and that said commissioner Goins has disbursed said fund to the parties to whom the same is shown to be due from the proceedings in this cause, it is therefore adjudged, ordered and decreed that said report and disbursements be and the same are hereby confirmed.

And it appearing to the court from said report of commissioner Goins, filed. Oct. 3rd, 1900, that R.J.Wood, the purchaser, is entitled to a deed to her purchase, it is adjudged, ordered and decreed that A.M.Goins, who is hereby appointed a commissioner for the purpose, make and execute to said R.J.Wood a deed with special warranty to the land and premises purchased by her in this cause, and as described in report of sale filed in this cause Oct.7, 1897.

Said commissioner Goins will report his action to this court at a future day of this term, and this cause is continued.

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2.

James A. Baumgardner)
vs.) IN CHY.
W.P. Wood et al.)

Entered on O.B. 6 P.P. 427-8.

Enter this decree—

This Nov. ... 8 ... 1900,

H. A. M. Shaw
.....

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James A.Baumgardner)
vs) IN CHANCERY.
W.P.Wood et al.)

++++++++++++++++++++++

To the Hon.H.A.W.Skeen, Judge of the Circuit Court for Lee county, Virginia:

The undersigned, who was, by decree entered in this cause at a prior day of this term, appointed a special commissioner for the purpose of making and executing to R.J.Wood a deed, with special warranty, to the land and premises purchased by her in this cause, begs leave to report that he has made said deed according to the decree of the court, and here files same marked "D".

All of which is respectfully submitted, this Nov. 9th, 1900.

A. M. Goins,

Special Commissioner.

James A. Baumgardner
vs
W. P. Wood et al.
IN CHY.
Report of Special Commissioner
Filed Nov. 9th 1900
Teste

James A.Baumgardner)
vs) IN CHY.
W.P.Wood et al.)

Filed Nov. 9th, 1900.
A. P. Munsey Clerk.

ORDER TO COMMISSIONER.

.....

.....NOV.....1900.

Upon motion made by "Pl." and it appearing that the defendants have been duly served with process herein and have failed to appear and plead, demur or answer the bill of complaint filed herein, and the complainant having made oath that the defendants are not inhabitants of this State, and the said defendants being called to come forward and plead, demur or answer the said bill of complaint filed herein, and they failing to do so, it is ordered that the said defendants be and appear before the undersigned Commissioner in Chancery, at his office in Buchanan, Virginia, on the 9th day of January, 1900, to take and state an account between the said complainant and said defendants, and to report the same to the next term of this court.

It is further ordered that a copy of this order be published once a week for four successive weeks in the Buchanan Times, a newspaper published in said County of Botetourt, and posted at the door of the Court House of said County of Botetourt, and that a copy of this order be sent by the Clerk of this court to the Commissioner in Chancery.

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To the Hon. H.A.W. Green, Judge of the Circuit Court of Botetourt County, Virginia:

James A. Baumgardner)
vs) IN CHANCERY.
W.P. Wood et al.)

A. M. GOINS,
Attorney at Law,
&
Com. Atty. for Lee County.

James A.Baumgardner)
vs.) IN CHANCERY.
W.P.Wood et al.)

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This cause came on this day to be further heard upon the papers formerly read, and the report of sale by A.M.Goins, Special Commissioner, filed October 7th, 1897, more than ten days before the first day of this term, and to which there are no exceptions and was argued by counsel. On consideration of all which, and for reasons appearing to the court, it is adjudged, ordered and decreed that said report and sale be and the same are hereby approved and confirmed.

When the purchase money notes, arising from this sale, become due, said Commissioner Goins will take such legal steps as may be necessary to collect the same, if not paid to him at maturety, and, when collected, he will disburse the same to the lienors to whom the same is shown to be due in the proceedings of this cause, and he will disburse the costs and commission of this suit and sale to the parties to whom the same is shown to be due. And he will report his actions to this court at a future term. And this cause is continued.

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James A. Baumgardner

vs. } Decree ~~of Sale~~ confirming Sale.

W. P. Wood et al.

Eq. C. & B. No. 6, f. 62.

Enter this decree, this

Nov. 5, 1877.

W. T. M

James. A. Bumgardner, Complainant,

vs: In Chancery,

W. P. Wood, et al. Defendant.

This cause came on this day to be heard upon the papers formerly read therein and the report of Special Commissioner A.M. Goins, filed herein on the 19th day of May, 1897, and the petition of Mrs. R.J. Wood asking for a resale of the land reported sold in the said report, and was argued by counsel. On consideration of all which, and for reasons appearing to the court, it is adjudged ordered and decreed that the sale made by the said Commissioner A.M. Goins reported in the said report, be and the same is hereby set aside, and the said A.M. Goins will after having given the same notice required in the Mrach term decree, and upon the same terms at the same place and on some court day offer the said land again for sale, strting the biddings at $650.00 as the bid of Mrs. R.J. Wood, and make sale to the highest bidder. And he will report his action to court at the next term and this cause is continued.

J. A. Beauregardner

vs. Decree

W. P. Woods et al.

C.O.B. No 6 p. 7.

Enter this
June 12, 1897.
W. F. W.

James. A. Bumgardner, Complainant,

vs: In Chancery,

W. P. Wood, et al,. Defendants.

This cause came on this day to be heard upon the papers formerly read therein, and the petition of Geo. W. Russell, for &c. setting up a judgement lien against the land decreed for sale in this cuse on the 2nd day of March, 1897; to which said petition the said A. J. Bumgardner by counsell appeared, and by agreement ~~xxxxxxx~~ of counsel for J. A. Bumgardner and A. J. Bumgardner, upon the motion of counsel for G. W. Russell, the said decree of March the 2nd is hereby set aside as to a continuance of said cause, and it is adjudged that the said G. W. Russell furthur recover of A. J. Bumgardner the sum of $221.47, with interest from the 22nd dy of Jan. 1892, and $8.68, without ~~xxxxx~~ interest, and besides the sale ordered for the payment of the debt of J. A. Bumgardner, the said A. M. Goins, Commissioner, therein apponted will furthur make sale of enough to pay the said recovery above mentioned, upon the terms mention in the decree of March the 2nd, and he will report his action to court and the cause is continued.

James A. Bumgardner

vs. } Decree

W. S. Woods et al

Ev. C. O. B. p. 551.

Entered this March 5.
1877. W. T. M

A. M. GOINS,
Attorney at Law,
&
Com. Atty. for Lee County.

James A. Baumgardner, Complt.
vs. } IN CHANCERY.
W.P.Wood et al. Deflts.

This cause came on this day to be heard upon the bill of the complainant and exhibits therewith filed, and it appearing from the returne of the sheriff that process has been duley served on each of the defendants for more than 15 days before the first day of this term of the court, and they failing to appear and plead, answer, demur, or otherwise make defense, the same, on motion of the complainant by his counsel, is taken for confessed as to each of them. On consideration whereof, the court doth adjudge, order and decree that the complainant recover of W.P.Wood the sum of $500.00, with 6% interest per annum thereon from the 1st day of March, 1893, subject to the following credits: $151.15, Aug. 6, 1894; $272.95, Aug. 30, 1894; and $75.00, Oct. 16, 1894. That said complainant recover of W.P.Wood and Jeremiah Daugherty the further sum of $500.00, with 6% interest per annum thereon from the 1st day of March, 1893, subject to the following credits: $105.00, Sept. 26, 1893; $10.00, Sept. 26, 1893; $63.00, Nov. 21, 1893; $9.95, Nov. 28, 1893; and 6.18, Apr. 17, 1894. And that the complainant recover his cost about this suit expended.

It is further adjudged, ordered and decree that if the foregoing indebtedness be not paid to the complainant within 30 days from this date, then A.M.Goins, who is hereby appointed a special commissioner for the purpose, shall, after having advertised the time, place and terms of sale for 30 days, by written or printed notices, posted at the front door of the court house, in the neighborhood of the land, and at such other places as he may deem proper, proceed to sell, at public auction, at the front door of the court house, on the first day of some court, to the highest and best bidder, by the acre, so much of the land set out by the complainant in his bill as may be found necessary to satisfy the foregoing indebtedness, the interest due thereon, the cost of this suit, and the commission of sale, upon the following terms: enough cash in hand to pay the costs of the suit and the commissions of sale, the residue in two equal installments, payable respectively at one and two years from the day of sale, the credit installments to be evidenced by notes of the purchaser executed to the commissioner with good and sufficient personal securety, bearing 6% interest per annum from the day of sale, and the title of the property shall be retained as a further securety to said notes until the whole of the purchase money is

A. M. GOINS,
Attorney at Law,
&
Com. Atty. for Lee County.

paid and a conveyance is directed by the court.

Said commissioner will first offer said land for sale by the acre upon the terms and conditions as above set out, but should he be unable upon said offer to procure a bid, or one that is insufficient to satisfy the whole of the indebtedness herein described, then and in that event he shall offer said land for sale as a boundary, upon the terms and conditions as above set out.

Said commissioner shall have no power to execute this decree until he shall have entered into bond with sufficient securety in the clerk's office of this court, payable to the Commonwealth of Virginia, in the penalty of $800.00, and conditioned for the faithful discharge of his duty hereunder. He will take such legal steps as may be necessary to collect said ~~REXEX~~ purchase money notes, if they be not paid at maturity.

Said commissioner will report his action to this court at a future term. And this cause is continued.

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James A. Baumgardner

vs } Decree No. 1.

N. P. Wood et al.

Entered in Chancery Order Book No — page 509.

508
509
510

Enter this decree, this March 2, 1897.

MMM

A. [redacted] GOINS,
Attorney at Law,
&
Com. Atty. for Lee County.

COMMISSIONER'S REPORT.

James A.Baumgardner)
vs.) IN CHANCERY.
W.P.Wood et al.)

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To the Hon.W.T.Miller, Judge of the Circuit Court for Lee County, Virginia:

Your undersigned Special Commissioner, appointed by a decree entered in the above styled cause on the 2nd day of March, 1897, to perform certain duties therein specified, here reports that, after advertising the time, place and terms of sale for 30 days by written notices posted at the front door of the court-house, in the neighborhood of the land, and at other points, on the 17th day of May,1897, that being the first day of County court, at the front door of the court-house, at public outcry, to the highest and best bidder, on a credit of one and two years time, except a sufficient sum to pay cost of suit and commission of sale, exposed and offered for sale the land set out by the complainant in his bill, and as directed by said decree of March 2nd, 1897.

Your commissioner, in obedience to and in accordance with the terms of said decree, first offered to sell, by the acre, so much of said land as might be found necessary to satisfy the sum of $814.15, the aggregate amount of the debt due James A.Baumgardner, the judgment due Geo.W.Russell, the cost of this suit, and the commission of sale. On this offer your commissioner failed to receive any bid whatever. He next offered said land for sale by the boundary, to the highest and best bidder, pursuant to the terms of said decree. After much crying by your commissioner he knocked said land off to James A.Baumgardner, who was the highest and best bidder, for the sum of $507.18. Said Baumgardner, the purchaser, paid your commissioner in hand $48.93, a sum sufficient to pay the cost of this suit ($29.79), and the commission of sale ($19.14), and executed to your commissioner his two notes or bonds, with C.A.Russell as securety, payable respectively in one and two years from date, one of said notes for the sum of $229.12, and the other for the sum of $229.13, and each bearing interest from day of sale.

Your commissioner further reports that this land sold for only a sufficient sum to pay the debt due James A.Baumgardner, the plaintiff and first lienor, after paying the cost of this suit and the commission of sale, and that said James A.Baumgardner himself became the purchaser at the sale and executed his notes or bonds with security to your commissioner for the deferred payments of the purchase price. Under this status of the case, your commissioner would recommend that he be directed to surrender up to said James A.Baumgardner His notes executed on this purchase, and that a commissioner be appointed, whose duty it shall be to make to said Baumgardner a deed to this land, thus giving this suit a speedy determination.

All of which is respectively submitted, this May 19, 1897.

A. M. Goins,

Special Commissioner.

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GOINS,
Attorney at Law,
&
Com. Atty. for Lee County.

James A. Baumgardner

vs } Comm's Report Sale.

W. P. Wood et al.

Filed May 19th, 1897.

A. B. Murray Clerk

A. M. GOINS,
Attorney at Law,
&
Com. Atty. for Lee County.

COMMISSIONER'S REPORT.

James A. Baumgardner)
vs.) IN CHANCERY.
W.P.Wood et al.)

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To the Hon.W.T.Miller, Judge of the Circuit Court for Lee County, Virginia:

Your undersigned Special Commissioner, who was directed by a decree entered in this cause on the 12 day of June, 1897, to re-sell the land sold by him in this cause on the 17th day of May, 1897, and as reported May 19th, 1897, begs leave to report, that, after advertising the time, terms and place of sale as directed in said decree of June 12th, 1897, on the 19th day of July, 1897, the first day of County County, at the front door of the Court-house, at public outcry, offered said land for re-sale, starting the same at the upset bid of R.J.Wood of $650.00. At this sale your Commissioner cried said bid of $650.00 for quite a while, hoping to secure other and higher bidders, but being unable to do so, he accordingly knocked said land off to said R.J.Wood, at her upset bid of $650.00.

Said R.J.Wood paid your commissioner in hand $64.06, a sum sufficient to pay the costs of this suit and the commissions of sales, and for the deferred payments executed to him her two notes or bonds, with J.E.Graham as her securety, in the sum each of $292.97, bearing interest from the date of this sale.

Your Commissioner has surrendered up to the said James A.Baumgardner, the purchaser on the former sale, his notes, and has repaid to him the amount advanced by him as costs of suit and commission of sale, as shown in his report of May 19th, 1897.

Respectfully submitted, this July 19th, 1897.

A M Goins,
Special Commissioner.

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James A. Baumgardner

vs } Report of Re-sale.

H. P. Wood et. al.

Filed Oct. 7th, 1897.

A B Munsey

Clerk

COMMISSIONER'S REPORT.
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James A.Baumgardner)
vs.) IN CHANCERY.
W.P.Wood et al.)

To the Hon.H.A.W.Skeen, Judge of the Circuit Court for Lee County, Virginia:

Your undersigned special commissioner in the above styled cause begs leave to report that the two notes or bonds executed to him on July 19th, 1897, by R.J.Wood, with J.E.Graham as security, payable respectively in one and two years after date, with interest from date, for the sum of $292.97 each, as set out in report of re-sale filed Oct.7th, 1897, have been fully paid to your commissioner, and he has disbursed the funds to the parties to whom the same is due, as shown by the proceedings in this cause, and now holds vouchers for disbursements.

Your commissioner reports that the said R.J.Wood, having fully paid the whole of the purchase money due from her on her purchase, is now entitled to a deed, as shown by report of sale filed herein on Oct. 7, 1897.

Respectfully submitted, this 3 day of Oct., 1900.

A. M. Goins,

Special Commissioner.

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1.

James A.Baumgardner)
vs.) IN CHY.
W.P.Wood et al.)

Report of payment of purchase money notes.

Filed. 3rd day of October 1900

A. B. Massey, Clerk.

A. M. COINS,
Attorney at Law,
&
Com. Atty. for Lee County.

This Deed, Made this 1st day of February in the year one thousand eight hundred and ninety-three, between James A. Baumgardner and Emily Jane Baumgardner, his wife, parties of the first part, and W.P. Wood, party of the second part__

Witnesseth: That in consideration of the sum of Fifteen Hundred Dollars, to be paid and secured to be paid, the said parties of the first part do grant unto the said party of the second part, with General Warranty, all that certain tract or parcel of land known as Lot No. 6 in the partition of the real estate of which Andrew Baumgardner died seized, and for a full description of which reference is here made to the deed of partition of the real estate of said Andrew Baumgardner, recorded in Deed Book 24, page 494 &c. Said lot No. 6 is bounded and described as follows: Beginning at a white-oak near to and on the North side of Shaver's creek, corner to Lot No. 4; thence up the road N. 47½ W. 22 12/100 p.; N. 54½ W. 26 72/100 p.; N. 74½ W. 31 88/100 p.; N. 69 W. 22 96/100 p.; N. 56 W. 24 96/100 p.; N. 48½ W. 30 36/100 p.; N. 57½ W. 25 p.; N. 60 W. 4 16/100 p. to a Beech about one pole north of the creek; S. 32 E. 34 p. to a stake above a road; S. 53 W. 182½ p. to a stake in a hollow and below a path, said ~~said~~ stake on a line of Asa Roop's land; thence with a line of the same S. 31½ E. 17 84/100 p. to a sassafras in a lane; thence with lane S. 11° 45′ W. 14 p.; S. 15½ E. 16 p.; S. 30 E. 24 p.; thence leaving lane S. 15¼ W. 6 20/100 p. to a stake on the West side of said lane, original corner a dogwood; S. " W. 48 p. with old original line to a bunch of dogwoods; S. 22½ E. 39 32/100 p. to a stake on a line of Mastin Collier; continuing with original line, N. 42½ E. 33 8/100 p. to a tripple poplar; thence with Joe & Job Wynn's line N. 82° 25′ E. 308 p. to the Beginning. Said boundary containing 186 acres, more or less. This conveyance excepts a right of way to water for the benefit of Lot No. 5, as described in said partition recorded in Deed Book 24, page 494 &c. This conveyance also excepts the carding machinery now in the machine house.

A vendor's lien is retained for all the unpaid purchase money due on this conveyance.

The said James A. Baumgardner and Emily Jane, his wife, covenant that they have the right to convey the said land to the grantee; that they have done no act to encumber the said land; that the grantee shall have quiet possession of the said land, free from all encumbrances, and that they, the said parties of the first part, will execute such further assurances of the said land as may be requisite.

Witness the following signatures and seals.

James A. Baumgardner (Seal)
Emily J. Baumgardner (Seal)

State of Tennessee, County of Claiborne, to-wit:

I, A.J.Francisco, clerk in and for the County Court aforesaid, in the State of Tennessee, do certify that James A.Baumgardner & wife Emily J. Baumgardner whose names are signed to the ~~writing~~ within writing, bearing date on the 1st day of Feby 1893, have acknowledged the same before me in my office aforesaid.

Given under my hand this 18 day of Feby 1893.

A.J.Francisco, Clerk of Said
County Court.

Virginia, Lee County to wit:

I, S. V. F. Richmond, Clerk of the County Court of Lee County, do certify that A. M. Goins this day personally appeared before me in my County and made oath that the foregoing is an exact, full and true copy of an original deed: From James A. Baumgardner & wife to W. P. Wood. Given under my hand this the 20th day of February 1897.

S. V. F. Richmond Clerk

James A. Baumgardner & wife
to
W. P. Wood.

Copy of Deed

Exhibit "D" filed with Complt's bill.

West. Johnston & Co., Richmond.

Know all Men by these Presents, That we A. M. Goins & Geo W. Blankenship

are held and firmly bound unto the Commonwealth of Virginia, in the sum of Eight Hundred dollars, to payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our homestead exemptions as to this obligation, and any claim, right, or privilege to discharge any liability arising under this bond, or by virtue of said office or trust, in any currency, funds, counter claims or offsets other than legal-tender currency of the United States. Sealed with our seals, and dated this 5th day of April one thousand eight hundred and 97.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound A. M. Goins shall faithfully perform the duties of his office or trust, as Commissioner under a decree of the Circuit Court of the County of Lee, pronounced on the 2nd & 8th day of March, 1897, in the suit therein depending under the name and style of James A. Bumgardner vs W. P. Wood et al

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the presence of

A Copy
Teste A. B. Munsey Clerk

A. M. Goins [SEAL.]
Geo W. Blankenship [SEAL]
[SEAL.]

In the Clerk's Office of the Circuit Court of the County of Lee.

This day

suret on the above bond, made oath before me A. B. MUNSEY, Clerk of the Circuit Court of the County of Lee, that estate after the payment of all just debts, and those for which bound as securit for others, and expect to have to pay worth the sum of dollars.

Given under my hand this day of 189 .

Teste: Clerk

James A Bumgardner
Copy of

to { COMMISSIONER
BOND.

Commonwealth.
W. P. Wood et al

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

We Command you, That you summon M. P. Wood, Jeremiah Daugherty and A. J. Bumgardner

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the 3rd Monday in February, 1897, to answer a bill in Chancery, exhibited against them in our said court by James A. Bumgardner

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the 1st day of February 1897, and in the 121st year of the Commonwealth.

A. B. Munsey Clerk.

James A Bumgardner

vs. { SUPŒNA. IN CHANCERY.

W. P. Wood et alo

A. M. Goins p. q.

To 2nd Feby Rules.

CIRCUIT COURT.

Executed February 8-
1897 by delivering an
attested office Copy of
the within Summons to
W. P. Wood A. J. Bumgardner
and Jeramiah Daugherty
W. P. Weston S.L.C.